

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**YUSUF BROWN,**

**Plaintiff,**

**v.**

**Civil Action 2:10-cv-00822  
Judge GREGORY L. FROST  
Magistrate Judge E.A. Preston Deavers**

**WARDEN ROSS CORRECTIONAL  
INSTITUTION, *et al.*,**

**Defendants.**

**ORDER**

The Court **GRANTS** Plaintiff's unopposed motion for leave to supplement exhibits one and two of his Motions for Preliminary Injunction (ECF Nos. 2 and 7) with his sworn declaration. (ECF No. 28.)

The Court also **GRANTS** Plaintiff's motion to amend and supplement his preliminary injunction motions. (ECF No. 45.) Accordingly, in determining whether to issue a preliminary injunction, in addition to considering Plaintiff's Motions for a Preliminary Injunction and Temporary Restraining Order (ECF Nos. 2 and 7) and the parties' responses, replies, and supplements to these Motions (ECF Nos. 17, 18, 23, and 28), the Court will also consider Plaintiff's Supplement to his Motions for a Preliminary Injunction (ECF No. 45), Defendant's Memorandum in Opposition to Plaintiff's Supplemented Motion (ECF No. 49), and Plaintiff's Reply (ECF No. 52).

Finally, the Court **DENIES** Plaintiff's Motion for Sanctions. (ECF No. 21.) In this Motion, Plaintiff seeks an "Order of Contempt of Court against . . . [D]efendants and . . .

[D]efendant[s'] counsel for knowingly submitting false testimony to this Court” and a telephonic hearing. (Pl.’s Mot. for Sanctions 2, ECF No. 21.) Rule 11 of the Federal Rules of Civil Procedure requires that “to the best of [the attorney’s] knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,” the presentation the attorney makes to the court “is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation” and “the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery” Fed. R. Civ. P. 11(b)(1), (3). Rule 11 also requires that the “claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.” *Id.* at (b)(2). Plaintiff has failed to establish that Defendants’ or their counsel’s conduct violated Federal Rule of Civil Procedure 11(b) such that sanctions under Rule 11(c) are warranted.

**IT IS SO ORDERED.**

Date: April 18, 2011

/s/ Elizabeth A. Preston Deavers

Elizabeth A. Preston Deavers  
United States Magistrate Judge